

FORM TO BE USED BY A PRISONER IN
FILING A CIVIL RIGHTS COMPLAINT

2018 APR -2 PM 3:13

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO

CLERK U.S. DISTRICT COURT
DISTRICT OF OHIO
CLEVELAND

ROGER R. PINKELTON
(Enter above the full name of the plaintiff in this action)

vs.

UNITED STATES OF AMERICA

(Enter above the full name of the defendant(s) in this action)

CIVIL CASE NO. 4:18 CV 740

JUDGE

JUDGE NUGENT

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☐ NO ☒
- B. If your answer to A is yes, describe the lawsuit in the space below, (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county)

3. Docket Number _____

4. Name of judge to whom case was assigned _____

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5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. Place of Present Confinement Butner Federal medical facility

A. Is there a prisoner grievance procedure in this institution? YES ☒ NO ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
YES ☐ NO ☒

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not Ms Brown-stobbe whom was the head of F.C.I. Elkton that orchestrated this medical malpractice on me, transferred here to Butner medical facility, so im scared for my life to file a grievance while she's here!

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

YES ☐ NO ☒

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

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III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of the Plaintiff Roger A. Pinkelton

Address Butner Federal medical facility P.O. Box 1600 Butner
N.C. 27509

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants).

B. Defendant United States of America is employed as

_____ at _____

C. Additional Defendants _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary).

Here I lay my claim against the United States of America for its
F.C.I. Elkton medical employees Lori Hunter N.P.-C, Shelly Kennedy
R.N./I.D.C./I.O.P, Ms. Brown-Stobbe head of F.C.I. Elkton medical,
Ms. Barnes Commander, P.A. Cavanaugh, DR Dunlop clinical
Director, Zoraida A. Mendez M.D., Kathy McRutt medical
officer, Whom committed medical malpractice on me that
caused my terminal liver cancer.
First of all, Exhibit 1 A is a 09/09/15 B.O.P Health services

(continued)

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(Statement of Claim Continued)

health problems sheet used by F.C.T. medical, ~~medical~~ employees that clearly acknowledges that I have hepatitis C signed by Lori Hunter NP-C. After a 10/30/15 visit to F.C.T. Elkton health care services I met RN Shelly Kennedy who took notes while internal medicine consultant DR Victor Siha examined me. I told DR Siha I was having side aches and abdominal pain. So, DR Siha felt my abdomen and told nurse Kennedy my liver was swelled, then told me it's not good to have a swelled liver with hepatitis C. Based on this he told nurse Kennedy he wanted an immediate CT scan of my abdomen.

His notes recorded as shown in exhibit 2A by nurse Kennedy says he ordered a CT scan/EN house. His reason for this request goes like this, 62 yo white male inmate with chronic HCV, COPD, chronic pancreatitis, GERD, chronic rhinitis. has had chronic HCV since 1997. abdomen soft with firm liver approx. 12 cm. inmate is also been a smoker since the age of 13 (approx. 50 years). CXR has been ordered. If CXR positive then add on CT chest with contrast please get CT ABDOMEN WITH Contrast to r/o neoplasm and eval biliary system." Then on 11/20/15 I get a "F.C.T. Elkton utilization Review Committee Response to Consultation Request"

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(Exhibit 3 A). Saying I was denied for my CT because I don't meet criteria signed by S. Kennedy R.N. Utilization Review Committee. So Ms Brown-Stobb the head of F.C.I. Elkton medical D.R. and her "Utilization Review Committee" denied my crucial CT scan that DR Siha ordered after learning I had hepatitis C and a swelled liver? Notice in Exhibit 2 A DR Siha says please get CT ABDOMEN WITH contrast to r/o neoplasm and eval biliary system." Notice he says please and even capitalizes and puts it in bold letters! Yet, Ms. Brown-Stobb and her "Utilization Review Committee" denied my crucial CT scan that would of saved my life!

After nearly a year of much pain and suffering and mental anguish from not knowing why I was so weak and sick? DR Siha came back to F.C.I. Elkton to do a follow up on me on 07/08/2016 (See exhibit 4 A). he was utterly shocked that the F.C.I. Elkton Utilization Review Committee turned down his request for the CT scan on my swelled up liver a year ago!

This alerted me that something was wrong?

I was complaining of side aches and abdominal pain all along but, if medical professionals said I didn't need a CT scan and that ide be alright, like a baby not knowing it I was in harms way, I put my complete trust in the F.C.I. Elkton medical professionals only for them to inflict un necessary pain and suffering on me with a death sentence, because DR Siha ordered another immediate CT scan on me that came back

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Showing I had liver cancer! Terminal at that!

Exhibit 5A shows DR Dunlop did the 08/26/16 CT scan at Salem Regional medical center on DR Siha's orders. In the findings of this CT scan it says; The heart size is normal and lung bases are clear. There is a large $10.7 \times 0.7 \times 13.2$ cm heterogeneously enhancing mass involving the majority of the right lobe of the liver. This is suspicious for neoplasia.

A second smaller heterogeneous enhancing mass is identified in the caudal right liver measuring approximately $4.4 \times 8.3 \times 7.1$ cm splenomegaly. Okay, this is no doubt cancer in my liver that grew into this terminal cancer from MS Brown-Stobb and her "F.C.F. Elkton" "Utilization Review Committee" turning my crucial CT scan down a year ago with textbook hepatitis C liver cancer signs. MS Brown-Stobb and her Utilization Review Committee had no regard for my life or how this would effect my sister my daughter and grandkids! They had no respect for me being a Vietnam war Veteran who fought for our freedom!

In the enclosed exhibit 6A 09/20/16 by provider Kathy McNutt M.D. her administrative note says; liver biopsy results no liver parenchyma sections examined reveal skeletal muscle and fibroadipose tissue will need to discuss need for repeat procedure with this patient new consult entered. Reason for request; liver biopsy results - from SALEM HOSPITAL SPECIMEN INADEQUATE for DIAGNOSIS would recommend repeat

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at North side or Trumbull no liver parenchyma?

They missed the 10.7x0.7x13.2 cm heterogeneously enhancing mass involving the majority of the right lobe of my liver. And they missed the second smaller heterogeneously enhancing mass in the caudal right liver measuring 4.4x8.3x7.1 cm splenomegaly.

I don't know how they could miss taking tissue samples from these two massive cancer tumors?

My point is, I had to endure this very painful biopsy twice! When it could of been avoided altogether if only Ms. Brown-stobbe and her medical committee done their jobs as professionals as U.S. Government employee's and approved the 11/20/15 CT scan DR Siha ordered. In this enclosed exhibit 7A a letter to DR Dunlop dated 10/11/16 from MD Zoraida A Mendez she says "Dear DR Dunlop I had the opportunity of evaluating your patient in my office by the name of Roger Pinkelton. As you know, this patient has a history of hepatitis C and you referred him to me due to the findings of liver masses on a recent CT and elevated alpha fetoprotein. I see that his alpha fetoprotein level was 104,000 on Aug 2 2016

on the laboratories, his liver enzymes were not significantly elevated with the AST being 65, His H&H was normal. The CT of the abdomen, performed on Aug. 25, 2016 showed a very large mass, measuring 10.7x13.2 cm's involving the majority of the right lobe of the liver. There was also a second mass in

Statement of claim continued Pg, 4, (4)

the Caudal right liver measuring $4.4 \times 8.3 \times 7.1$ cm's
There was also evidence of splenomegaly.

In my opinion these lesions are to large for resection.
The patient should be evaluated by a liver transplant
team to see if he would be a candidate for a liver
transplant. Zoraida A. Mendez MD, Kathy McNutt
medical officer F.C.I./F.S.L. Elkton 10/13/16.

Then Ms. Brown-stobb and Ms Barnes told me to my face
that they were putting me on an emergency plane to Butner
Medical Center in North Carolina for a liver transplant.

DR Dunlop took it a step further by saying the Regional
Director of medical, Melissa Davidson approved my
liver transplant. I was so happy and told my family
this good news! Then when I get to Butner medical
and meet with liver specialist DR Carden, I tell him
that Ms Brown-stobb Ms Barnes and DR Dunlop told
me I was getting a liver transplant here at Butner.

DR Carden breaks my heart by telling me they don't do
that kind of procedure here!?! And he tells me they
don't do that kind of procedure here and even if
they did my numbers were to high for a transplant
He said Ms Brown-stobbe Ms Barnes and DR Dunlop
know this!?! I talked to my sister who talked to
a liver specialist out in the world and he said the
samething that the numbers were to high for a transplant.

So, the fact that Ms Brown-stobbe Ms Barnes and
DR Dunlop lied to my face promising me a liver
transplant knowing the numbers were to high for this

Statement of claim Continued pg 4, ⑤

Make believe liver transplant just added to this mental anguish and totally disregarded my life as a human being! Had I known these B.O.P. federal medical professionals were mere executioners for the U.S. Government to save budget monies I would took my case to trial!

Either the U.S. Government hired these negligent medical workers by accident or they hired them to execute federal prisoners with expensive longterm medical expenses.

But either way their employee's of the United States of America whom I hold the United States of America accountable for their medical malpractice on me that caused my terminal liver cancer. So I file this suit on the United States of America for its medical employee's committing this medical malpractice on me which is an eighth amendment violation to my right to adequate medical care.

I file this suit on the United States of America at the office of the clerk United States District Court Northern District of Ohio Carl B. Stokes United States Courthouse 801 West Superior Avenue Cleveland Oh 44113-1830 whom has jurisdiction of this suit.

Roger A. Pinkelton

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V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes).

I want the Court to set up a jury trial for me to sue the United States of America for 20,000,000 Twenty million dollars for their F.C.I. Elkton medical professionals named, for medical malpractice that caused my terminal liver cancer. I'm also asking the Court to give me injunction relief from B.O.P. Director Charles Samuel Jr from retaliation and from Regional medical Director Melissa Davidson from retaliation on me. Also, I'm not sure if I have to attach an affidavit of merit required by Ohio R. Civ. P. 10(D)(2) or if I'm to follow the conflicting pleading requirements under Fed. R. Civ. P. 8 and 9. So I'm asking the Court for a 90 day extension to file the affidavit of merit only if I'm to follow Ohio R. Civ. P. 10 and not Fed. R. Civ. P. 8 and 9.

Signed this 15th day of MARCH, 10 2018.

I declare under penalty of perjury that the foregoing is true and correct.

3/15/18
(Date)


(Signature of Plaintiff)